



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

✓

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/834,528	04/12/2001	Frano Luburic	ROPAK-P2712	4027
21259	7590	07/28/2004		EXAMINER
J MARK HOLLAND & ASSOCIATES 3 CIVIC PLAZA SUITE 210 NEWPORT BEACH, CA 92660			NGO, LIEN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

4W

Office Action Summary	Application No.	Applicant(s)	
	09/834,528	LUBURIC, FRANO	
	Examiner	Art Unit	
	LIEN TM NGO	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 May 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-21 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-5 and 14-21 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____. |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the V-shaped channel in claims 4 and 14, and V-shaped cross section in claim 16 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The amendment filed 5/17/04 is objected to under 35 U.S.C. 132 because it introduces new matter into the disclosure. 35 U.S.C. 132 states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows: " a lid having a generally ... (or an equivalent inverted V-shaped)".

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 4, 14-17, and 19-21 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In regard to claim 4 and 14-17, the V-shaped channel (claims 4 and 14) and V-shaped cross section (claim 16) are not described in the original specification. In fact, the channel in figs. 1-5 is a generally inverted U-shaped channel.

In claim 19, "the container upper edge is tapered to a relatively thinner dimension from a relatively thicker dimension moving toward the upper edge from the direction of a bottom portion of container, the tapered portion of the said container upper edge not forming any portion of the engaging detent" is not supported in the specification. In fact, the container tapered upper edge, in fig. 2, is positioned from the engaging detent 50 toward the upper edge, and the tapered portion is including the engaging detent 50.

In claim 20, "said tapered container upper edge not forming any portion of an engaging detent" is not supported in the specification.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 18 is rejected under 35 U.S.C. 102(e) as being anticipated by Von Holdt, Jr. (6,619,498).

Von Holdt discloses, in fig. 8, a container having an upper edge defining an opening, the upper edge being a wedge member tapering in cross section to an uppermost point region of the upper edge from a wider region 116 spaced away from the uppermost portion, a lid having a wedged shaped receiving channel forming a liquid tight seal between when the lid assembled on the container, the assembly between the lid, the container not including rotating threaded engagement, and the inner contact surface of the channel extending toward the bottom of the container at least as far as the outer contact surface of the channel.

7. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Obrist et al. (4,252,242).

Obrist et al. disclose, in fig.1, an apparatus comprising a container 1 having an upper edge; a lid 2 having a channel configured to abut and form a liquid-tight seal with the container upper edge, in which the container upper edge comprises a thicker tapered portion 9; the channel including an outer skirt 3 having annular shoulder formed therein and the shoulder positioned between an engaging detent on the skirt and the uppermost portion of the lid.

8. Claims 4, 5 and 14- 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Woinarski (4,256,240). Woinarski discloses, in fig.2, a lid having a generally inverted

"V-shaped cross section", both legs of the cross section to abut a corresponding container to form a liquid tight seal with the container, and a inwardly directed engagement detents 26, 33 on the outermost of the legs corresponding detents on the container. The channel provides contacting and sealing engagement between the lid and the container, and the inner contact surface of the channel extending as least as far the outer contact surface of the channel.

Response to Arguments

9. Applicant's arguments filed 5/1/04 have been considered but are moot in view of the new ground(s) of rejection.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LIEN TM NGO whose telephone number is 703-305-0294. The examiner can normally be reached on Monday through Friday from 8:30 AM -6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, LEE YOUNG can be reached on 703-308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lien Ngo

July 26, 2004

